

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

JASON LEE VAN DYKE  
Plaintiff

v.

THOMAS CHRISTOPHER RETZLAFF  
a/k/a Dean Anderson d/b/a BV Files, Via  
View Files L.L.C., and ViaView Files  
Defendant

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Case No. 1:20-mc-00657-LY

**MOTION TO QUASH SUBPOENA**

Plaintiff, Jason Lee Van Dyke, asks this Court to enter an order quashing the subpoena of Thomas Christopher Retzlaff (ECF 10) in this cause. As grounds therefore, Plaintiff states as follows:

**A. FACTS**

1. The nature of this proceeding is a motion filed by James McGibney to quash a subpoena issued to him by Defendant, by and through Defendant's counsel, Jeffrey Dorrell, for a deposition of James McGibney.
2. The subpoena was issued in an underlying case pending in the U.S. District Court for the Eastern District of Texas with Case No. 4:18-cv-247, styled *Jason Lee Van Dyke v. Thomas Christopher Retzlaff*.
3. The discovery period in the underlying case closed on June 23, 2020 by order of the Honorable Amos Mazzant III. A copy of the scheduling order stating the applicable discovery period is attached hereto as Exhibit "1" and incorporated by

reference herein.

4. Mr. Retzlaff, who is represented by counsel in the underlying proceeding, has now independently sought a subpoena in this case for GoDaddy.com L.L.C. which is ostensibly for the purpose of conducting discovery outside of the discovery period in the underlying case. ECF 9 and 10. This is an abuse of discovery.
5. There is a lengthy history of litigation between these parties, which has spanned across multiple states and multiple courts. Prior to obtaining a subpoena in this Court, Mr. Retzlaff sought a subpoena for GoDaddy.com L.L.C. for the same information in Cause No. 20-2579-431, styled Thomas Retzlaff v. Jason Lee Van Dyke, pending in the 431<sup>st</sup> District Court in and for Denton County, Texas. A copy of that request and the subpoena issued in that matter is attached hereto as Exhibit “2” and incorporated by reference herein.
6. On June 24, 2020, the Honorable Jonathan Bailey entered an order quashing an identical subpoena in that case. A copy of the order quashing the subpoena is attached hereto as Exhibit “3” and incorporated by reference herein.

## **B. ARGUMENT**

7. Defendant’s subpoena should be quashed because it has been requested in clear violation of the orders of the Honorable Amos Mazzant III in the underlying case. See Ex. 1.

### **C. PRAYER**

8. Plaintiff prays that this Court enter an order quashing the subpoena to GoDaddy.com L.L.C. (ECF 10). Plaintiff also prays that this Court enter an order prohibited Defendant from further discovery subpoenas in this cause except by further order of the Court.

Respectfully submitted,

/s/ Jason Lee Van Dyke

Jason L. Van Dyke

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### **CERTIFICATE OF CONFERENCE**

I certify that, on June 29, 2020 I conferred with Thomas Christopher Retzlaff concerning the relief requested. He stated to me that he is opposed to the relief requested. Accordingly, this matter is submitted to the Court for determination.

/s/ Jason Lee Van Dyke

JASON LEE VAN DYKE

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Thomas Christopher Retzlaff. I have also served a true and correct copy of the foregoing on Thomas Christopher Retzlaff by electronic mail to retlaff@texas.net.

/s/ Jason Lee Van Dyke

JASON LEE VAN DYKE